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EXAMINER

SCOTT, RANDY A

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,430

Applicant(s)

ORTON, KEVIN R.

Examiner

Randy Scott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

This Office Action is in response to the Application filed August 25, 2003.

Specification

1. The disclosure is objected to because of the following informalities:

On pg. 3, line 10 of the applicant's specification; the term "is a guilty of a punishable act" should be – is guilty of a punishable act -.

On pg. 5, line 9 of the applicant's specification; the term "is a similar manner" should be "in a similar manner".

On pg. 8, line 29 of the applicant's specification; the term "effective of reducing" it appears as if the applicant meant to recite the term "effective method of reducing".

Appropriate correction is required.

Claim Objections

2. Claims 2-14 and 17-20 are objected to because of the following informalities:

On line 1 of claims 2-6, the term "A scheme" should be –The scheme-.

On line 2 of claim 2, the term "a recipient" should be –the recipient-.

On line 2 of claim 3, the term "a recipient" should be – the recipient -.

On line 1 of claim 7, the term "~~the~~ url" should be –a url -.

On line 2 of claim 7, the term "the requested page" should be –each requested page -.

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On line 4 of claim 7, the term “for minors” should be –for said minors-.

On line 3 of claim 8, the term “an internet address” should be – the internet address -.

On line 4 of claim 8, the term “receives the results” should be – receives results -.

On line 1 of claims 9-11, the term “A content authorization server” should be –The content authorization server -.

On line 1 of claim 12, the term “for **the** prevention” should be – for prevention -.

On line 2 of claim 13, the term “a recipient address” should be – the recipient address -.

On line 3 of claim 13, the term “bulk automated messages” should be – the bulk automated messages -.

On line 3 of claim 14, the term “bulk automated messages” should be – the bulk automated messages -.

On line 3 of claim 17, the term “an Internet address” should be –said Internet address -.

On line 5 of claim 17, the term “receives the results” should be – receives results -.

On line 1 of claims 18-19, the term “A content authorization server” should be –The content authorization server -.

On line 2 of claim 20, the term “the Internet address” should be –an Internet address -.

On line 3 of claim 20, the term “said sender address” should be –an address of said sender of incoming Internet traffic-.

On line 4 of claim 20, the term “receives the results” should be – receives results -.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-6 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-6 and 12, the claims are drawn to an Internet addressing scheme to filter undesired content. In order to fulfill statutory subject matter requirements a claim must fall into one of the four statutory categories of invention: process, machine, composition of matter, or composition. Claims 1-6 and 12 are drawn only to functional descriptive material (i.e. program), which falls outside of the statutory categories of invention. In addition, in order for a claim to be directed to statutory matter it must have a useful, concrete, and tangible result. The scheme correlating to claims 1-6 and 12 fails to produce any "real world" or tangible result because it merely attaches an indicator to an e-mail address for a user and a concrete limitation isn't provided upon the indicator value being attached to the recipient's e-mail address.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 7 is rejected under 35 USC 102 (b) as being anticipated by Schloss (Pat # 5,706,507).

With respect to claim 7, Schloss teach a limitation for a web server comprising a request checker module that checks the URL of incoming requests for web pages (see spec, sec. 5, lines 12-14, which teaches this limitation because an advisory server is implemented to check content data and URLs, as shown in sec. 6, lines 33-35, of web pages) and the request blocker module that does not send the requested page if the URL of the incoming request contains a certain publicly promoted value designated as for use by minors and the requested page is un suitable for minors (see spec, sec. 5, lines 65-67 and sec. 6, lines 1-3, which teach this limitation because the advisory server won't allow a client to load the content data from the URL if the data returned is offensive to minors).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1 and 12 are rejected under 35 USC 102 (e) as being anticipated by Gibbs (Pat # 6,356,935).

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With respect to claims 1 and 12, Gibbs teaches a limitation of an Internet addressing scheme for the prevention of sending undesired material comprising a certain partial portion (see spec, sec. 2, lines 57-59, which teaches this limitation because undesired e-mail are filtered that contain certain digital signatures), the certain partial portion of a recipient address is assigned a designated indicator value (see spec, sec. 5, lines 29-32, which teaches this limitation because the recipient address will have a identifier address and will be represented as a authenticated user id to prevent the receipt of e-mail from certain users), and designated indicator value being publicly promoted as a class of service (see spec, sec. 2, lines 31-35, which teaches this limitation because the embodiments of the identifier can be used for public use by providing restricted electronic messages for remote users).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the

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time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

10. Claims 2, 5-6, 13, and 15-16 are rejected under 35 U.S.C. 103 as being unpatentable over Gibbs (Pat # 6,356,935) in view of Yu (Pat # 7,092,992).

In reference to claims 2, 5-6, 13, and 15-16 Gibbs teaches a method including the limitation of processing a data packet, having a destination address, towards a routing destination (see spec, sec. 2, as stated above).

Gibbs explicitly teaches the limitations as disclosed above except for said class of service of the designated indicator value in said partial portion of a recipient address being publicly promoted and designated as for use by minors, said certain partial portion of the recipient address being appended onto the end of a conventional Internet address, and said certain partial portion of the recipient address being embedded within a conventional Internet address.

The general concept of said class of service of the designated indicator value in said partial portion of a recipient address being publicly promoted and designated as for use by minors, said certain partial portion of the recipient address being appended onto the end of a conventional Internet address, and said certain partial portion of the recipient address being embedded within a conventional Internet address is well known within the art as illustrated by Yu, which discloses a limitation of said class of service of the designated indicator value in said partial portion of a recipient address being publicly promoted and designated as for use by minors (see spec, sec. 13, lines 37-39, which implies this limitation because the e-mail filtering scheme based on providing a unique address to a user, as shown in sec. 2, lines 20-23, includes

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and age field to determine each user's age), said certain partial portion of the recipient address being appended onto the end of a conventional Internet address (see spec, sec. 2, lines 25-27, which implies this limitation because the unique address is associated with the e-mail resource), and said certain partial portion of the recipient address being embedded within a conventional Internet address (see spec, sec. 2, lines 25-27, which implies this limitation because the unique address represents the user's e-mail address resource).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibbs to include the use of said class of service of the designated indicator value in said partial portion of a recipient address being publicly promoted and designated as for use by minors, said certain partial portion of the recipient address being appended onto the end of a conventional Internet address, and said certain partial portion of the recipient address being embedded within a conventional Internet address as taught by Yu in order to successfully prevent unsolicited unwanted messages, as implied in sec. 1, lines 12-15 of Yu.

11. Claims 3-4, and 14 are rejected under 35 U.S.C. 103 as being unpatentable over Gibbs (Pat # 6,356,935) and Yu (Pat # 7,092,992) and further in view of Cobb (Pat # US 6,199,102).

In reference to claims 3-4, and 14 Gibbs and Yu teach a method including the limitation of processing a data packet, having a destination address towards a routing destination (see spec, sec. 2 of Gibbs, as stated above) and the recipient address being held by a minor (see spec, sec. 13, lines 37-39 of Yu, which teaches this limitation because the unique addresses are provided with a age field to determine each user's age (this doesn't exclude minors from being included in the filtering scheme).

Gibbs and Yu explicitly teach the limitations as disclosed above except for the designated indicator value in the partial portion of a recipient address being publicly promoted and designated as for use by minors, with legal penalties attached for addressing undesired material to any such address.

The general concept of the designated indicator value in the partial portion of a recipient address being publicly promoted and designated as for use by minors, with legal penalties attached for addressing undesired material to any such address is well known within the art as illustrated by Cobb, which discloses a limitation of the designated indicator value in the partial portion of a recipient address being publicly promoted and designated as for use by minors, with legal penalties attached for addressing undesired material to any such address (see spec, sec. 10, lines 35-39, which implies this limitation because a general notice is in place to notify the sender that legal action will be taken between the sender and the receiver if the sender transmits the unsolicited mail).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibbs and Yu to include the use of the designated indicator value in the partial portion of a recipient address being publicly promoted and designated as for use by minors, with legal penalties attached for addressing undesired material to any such address as taught by Cobb in order to successfully prevent unsolicited commercial messages, as implied in sec. 2, lines 28-30 of Cobb.

12. Claims 8-11, and 17-19 are rejected under 35 U.S.C. 103 as being unpatentable over Ogawa (Pub # 2002/0026488) in view of Cobb (Pat # US 6,199,102).

With respect to claims 8-11 and 17-19, Ogawa teaches a limitation of a content authorization server comprising an address checker module that checks a recipient Internet address of Internet traffic passing through the server for a designated indicator value in a partial portion of an Internet address (see e.g. [0126], lines 1-3, which teaches this limitation because the e-mail server device checks the address of each e-mail based on each user address where e-mail will be rejected based on the address of the sender and the recipient, as shown in e.g. [0124]) and if such a designated indicator value is found, sends a warning message to a sender of the Internet traffic (see e.g. [0124], which implies this limitation because the sender will receive a message stating “user has rejected to receive your e-mail” if the parameters don’t match).

Ogawa teaches the limitations as disclosed above except for an Internet address publicly promoted as being for use by minors, a warning message sender module that receives the results of the check performed by the address checker module, the sender of said Internet traffic being required to accept a term of use outlined in said warning message before Internet content will be delivered to the recipient Internet address, a record being kept in the database each time the sender of the Internet traffic agrees to the term of use, and a traffic blocker module that blocks transmission of the Internet traffic unless a record of agreement is found in said database.

The general concept of an Internet address publicly promoted as being for use by minors, a warning message sender module that receives the results of the check performed by the address checker module, the sender of said Internet traffic being required to accept a term of use outlined in said warning message before Internet content will be delivered to the recipient Internet address, a record being kept in the database each time the sender of the Internet traffic agrees to the term of use, and a traffic blocker module that blocks transmission of the Internet traffic

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unless a record of agreement is found in said database is well known within the art as illustrated by Cobb, which discloses a limitation of an Internet address publicly promoted as being for use by minors, a warning message sender module that receives the results of the check performed by the address checker module (see spec, sec. 10, lines 35-39, which implies this limitation because a general notice is in place to notify the sender that legal action will be taken between the sender and the receiver if the sender transmits the unsolicited mail, also see sec. 1, lines 42-45, which shows that user's of e-mail addresses may prevent senders or junk e-mailers from sending spam or junk e-mail and content offensive to minors may be considered junk e-mail to one of ordinary skill in the art), the sender of said Internet traffic being required to accept a term of use outlined in said warning message before Internet content will be delivered to the recipient Internet address, (see spec, sec. 10, lines 35-39, which implies this limitation because a general notice is in place to notify the sender that legal action will be taken between the sender and the receiver if the sender transmits the unsolicited mail), a record being kept in the database each time the sender of the Internet traffic agrees to the term of use (see spec, sec. 11, lines 47-50, which implies this limitation because the recording of sender's that have the legal agreement with the recipient not to receive junk e-mail is provided in a log file), and a traffic blocker module that blocks transmission of the Internet traffic unless a record of agreement is found in said database (see spec, sec. 11, lines 45-47, which implies this limitation because the addresses of individuals that are prevented from sending a recipient the unwanted content are blocked in the log file list).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogawa to include the use of an Internet address publicly promoted as being for use by minors, a warning message sender module that receives the results of the check

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performed by the address checker module, the sender of said Internet traffic being required to accept a term of use outlined in said warning message before Internet content will be delivered to the recipient Internet address, a record being kept in the database each time the sender of the Internet traffic agrees to the term of use, and a traffic blocker module that blocks transmission of the Internet traffic unless a record of agreement is found in said database as taught by Cobb in order to successfully prevent unsolicited commercial messages, as implied in sec. 2, lines 28-30 of Cobb.

13. Claim 20 is rejected under 35 U.S.C. 103 as being unpatentable over Grynberg (Pat # US 7,216,227) in view of Cobb (Pat # US 6,199,102).

With respect to claim 20, Grynberg teaches a limitation of a content authorization server comprising an address checker module which checks the Internet address of a sender of incoming Internet traffic (see abstract, lines 10-13, which implies this limitation because a forwarding server validates each a sender's alias address and checks is against a blocking list) and if such a designated indicator value is found, sends a warning message to a sender of the Internet traffic (see e.g. [0124], which implies this limitation because the sender will receive a message stating "user has rejected to receive your e-mail" if the parameters don't match), a database verification module that looks up said sender address in a database (see spec, sec. 4, lines 20-25, which implies this limitation because the address checking is done against addresses stored in a database).

Grynberg teaches the limitations as disclosed above except for a warning message sender module that receives the results of the check performed by the address checker module, that

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sends a warning message to the sender of said incoming Internet traffic if the Internet address of the sender of said Internet traffic is not found in said database.

The general concept a warning message sender module that receives the results of the check performed by the address checker module, that sends a warning message to the sender of said incoming Internet traffic if the Internet address of the sender of said Internet traffic is not found in said database is well known within the art as illustrated by Ogawa, which a warning message sender module that receives the results of the check performed by the address checker module, that sends a warning message to the sender of said incoming Internet traffic if the Internet address of the sender of said Internet traffic is not found in said database (see spec, sec. 10, lines 35-39, which implies this limitation because a general notice is in place to notify the sender that legal action will be taken between the sender and the receiver if the sender transmits the unsolicited mail).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grynberg to include the use of concept a warning message sender module that receives the results of the check performed by the address checker module, that sends a warning message to the sender of said incoming Internet traffic if the Internet address of the sender of said Internet traffic is not found in said database as taught by Cobb in order to successfully prevent unsolicited commercial messages, as implied in sec. 2, lines 28-30 of Cobb.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Scott whose telephone number is 571-270-1598. The examiner can normally be reached on Mon - Thurs. 7:30-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

R.A.S.

11 May 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.